

REMARKS

By this amendment, claims 1-25 are pending, in which no claim is canceled, withdrawn, amended, or newly added. Thus, no new matter is introduced.

The Office Action mailed February 6, 2004 rejected claims 1-4, 6, 10, 18, 19, 21, and 22 as obvious under 35 U.S.C. § 103 based on *Lung et al.* (US 6,292,549) in view of *Gechter et al.* (US 5,274,700).

Applicants appreciate the indication that claims 11-17 and 23-25 are allowed.

As an initial matter, Applicants note that dependent claims 5 and 20 have not been rejected nor indicated as being allowed.

In support of its obviousness rejection, the Office Action, on page 2, item 2, acknowledges that the primary reference of *Lung et al.* fails to disclose the feature of “contacting the second destination to obtain an approval for the request to forward calls from the first destination to the second destination,” as found in independent claims 1 and 18. However, in an attempt to cure this deficiency, the Office Action now applies *Gechter et al.* for such a supposed teaching, citing col. 19: 6-28 and col. 20: 23-39. Applicants respectfully disagree with the interpretation adopted by the Office Action, as such interpretation requires contorting the claim language out of context. Further, at best, the combination is based on impermissible hindsight.

Gechter et al. discloses, per the Abstract, rerouting of telephone calls from a call receiver device to a call destination device using incoming call notification messages sent from the call receiver device to the call destination device, respond signals sent from the call destination device to the call receiver device, and calling line identification of the incoming call. The cited passage of col. 19: 6-28 and col. 20: 23-39 refer to the claims of *Gechter et al.* and are drawn to the above concept.

Further study of *Gechter et al.* reveals that the system merely describes the operation of an automatic call distributing (ACD) system, col. 12, line 3 – col. 15, line 21. In particular, as shown in FIG. 5, and col. 14: 26-31, the *Gechter et al.* system provides for automatically rerouting an incoming call from a first network station (call router 18) to a second network station (the chosen agent station) where the selection of the second network station takes place on a per-call basis. *Gechter et al.* also discloses, in col. 14: 45-52, that the FIG. 5 protocol provides for backward communication in the call rerouting procedure. In FIG. 5 there is a backward acknowledgment to the router's sending of the call pending message (which acts as an incoming call notification signal) through the communication of the alerting and connect messages (acting as response signals) from the destination agent station to call router 18.

It is observed that the call is not “directed” to the call router 18. However, the claims recite “receiving a request to forward **calls directed to a first destination** to a second destination” and “contacting the second destination to obtain an approval for the request to forward calls from the first destination to the second destination.” Given the totality of the claim language, even the combination of *Lung et al.* and *Gechter et al.* fails to satisfy the claims.

Moreover, motivation is clearly lacking for modifying the *Lung et al.* system, which discloses conventional call forwarding (col. 8: 4-13), based on the operation of the ACD system of *Gechter et al.* As explained in Applicants' previous response, the *Lung et al.* system provides a standard call forwarding scenario, whereby the second telephone extension is provided with the first set of analog Caller ID signals. No where in *Lung et al.* is there any suggestion for modifying the operation for obtaining approval from the second telephone extension. Also, there is no suggestion for modifying the operation of the first telephone extension to perform the functions of *Gechter et al.*'s call router. Additionally, *Gechter et al.* offers no suggestion for applying the backward compatible protocol in a call forwarding scenario.

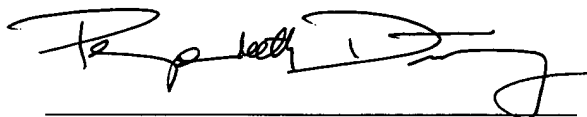
The Examiner is required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference to arrive at the claimed invention. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and the reasonable expectation of success must stem from the prior art itself, as a whole. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). Here, the Office Action simply draws a conclusion of obviousness based on the advantages of the claimed invention: “integrating Gechter’s teachings into the call forwarding system of Lung would have been obvious for providing the forwarding-to-destination more control in deciding whether or not to receive the call.” This conclusory analysis is in fact indicative of hindsight. Therefore, Applicants submit that the present Office Action has failed to show substantial evidence of motivation for the proposed combination. *In Re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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